

1870-014
Lee Co.

Chancery Causes: Abraham R. Surgenner vs. Benjamin D. Martin &

Dickinson, France, Childs, Herral, Herald

CA - Contract Dispute
T - Property

- Deed

Lute Clerk \$7.65
 Guardian ad Litem 5.00
 Comm for Report 7.50
 J.B.H. 1.63
 Atto 15.00
 Shff August 1.00
 Shff Taggart .50
 Printer 5.00
 \$43.28
 State. Lm & m Dd 2.75
 To Comm. Reams 1.00
 \$47.03

A R Morgan
 Bill
 3

1869. May - Bill filed Order Pub
 vs non-Resident Defts and
 Henry J. Morgan appointed
 Guardian ad Litem for Infants
 Defendants + Continued
 June - Spw Exp on humble Pts
 and Decree nisi as to them Thru
 July. Decree nisi Conf noted
 Aug - C. P. Connelly & Decree
 nisi as to non-Resident Defts
 Sept - Decree nisi as to non-
 Confd And of Guardian
 ad Litem filed and cause
 set for hearing by Off.
 Sep. Continued
 1870 May Spw & term Court
 " Octr Term Decree + contd
 " " Decree Final

Fresh 96

The answer of John Merrill to a Bill
in chancery, filed in the Lee circuit court
against him & others by A R Surgeson
This respondent for answer to the Bill
admits its allegations, and states
that the complainant is entitled to
all the rights he has on the Bond
filed in this cause. The complainant
is bound to pay to the respondent
what of the purchase money, your
respondent owes for the land. The
amount whereof will appear by
reference to an agreement between
this respondent & complainant
& papers referred to therein on file in
the county & circuit courts clerk's offi-
ce, to which reference is had as
a part of this answer. Your respon-
dent would state however that the
complainant owes him a note of six
hundred & seventeen dollars & 9 cents
due the 1st of July 1872. Balance of
purchase money he owes him for the
land which is a lien on the land
& asks the court in decreeing to the
complainant a title to presume
his lien in the decree, having fully
ensured he pays to be hence satisfied

John Merrill by
Wm B Brown

John Merrill
and } summer
}

J R Summer

1870 Filed June 3 1870
J.B. West clk

To the Hon John M. Johnston Judge of the Circuit Court
of Lee County.

The answer of Ralph Martin Sire Martin and
Clay Martin infant Children of Marston A. Martin deceased and
Elbert S. Martin, and Benjamin and Anna Childs infants
Children of Sittin Childs dead and Benjamin Childs her
husband by Henry J. Morgan their Guardian ad Litem
to a bill filed in this Honorable Court against them and others
by Abraham R. Surginer assignee of John Herald, respectfully
represents to your Honor That he as such guardian claims for
his said Wards the benefit of all proper and legal exceptions
to the plaintiffs bill, for any error or misstatements therein
which avail them if specially pleaded by this respondent.

This respondent further States that of his own Knowledge
he knows nothing of the sale of the land referred to by the
Plaintiff in his bill, nor of the assignment of the title
bond as therein stated, nor has his said Wards or others
informed ^{him} in relation thereto of any matter which could
be pleaded in delay of the plaintiffs right to demand
a legal conveyance of the land in the bill mentioned, when
the plaintiff or said Herald shall have fully paid the purchase
money therefor.

This respondent further States that his said Wards are young
and of tender years, and are therefore the peculiar objects of your
Honor's guardian care and protection, and their interest in
this suit is respectfully committed to your Honor's care.

And this respondent having now answered for his said
wards so much of the plaintiffs bill as is by him demanded
material prays that his said wards may be hence dismissed
with their costs.

Henry J. Morgan

Ralph Martin & others

Ans { Anshy Guardian

3

A. R. Surgenor

This answer filed at
Sept Rules 1869

H. J. Morgan D.C.

Fee for this answer \$3.00 Fee paid

The foregoing answer of Henry J. Morgan guardian ad litem
for the said minor infants was deemed to be filed in due time
Henry J. Morgan
John D. West, D. C. Clerk
Dec County Court

A R Singsner pff

VS

B D Martin et al Defts

Final Decree

This cause again came on to be heard and Mr J B Burns the commissioner appointed to make a conveyance of the Lands in the Will & estate, described to the pff, having made & acknowledged a decree to the pff, and produced the same to this court for its approval the same has been examined by the court & is approved & ordered to be certified to the clerk of the county court to be recorded, when the stamp duty & tax is paid thereon, it is further decreed & ordered that the pff recover, against B. D. Martin A R Dickerson, Christian, M. France, Emily Dickerson & Mary C France, his costs by him in this behalf expended to be taxed by the clerk, and the parties are hence dismissed & this cause is stricken from the docket

A R Surziner
vs } Final
} Decree

B. D. Martin et al

O. B. Page 144.

Decree approving deed
of A. R. Surziner

Extraordinary
for A. R. Kelly
Oct 7. 1870

A. R. Surzumer

plf

vs

Decree

B. D. Martin et al Deft

This cause came on again to be heard on the 5th of Oct 1870 on the Bill & Exhibits, answer of the infants & John Heurl depositions & decree of the Court rendered at the last term, and was argued by counsel and the Court being sufficiently advised as to decrees & orders, It appears that the Commissioner J. H. Morgan appointed to ascertain & report how much purchase money John Heurl owes the heirs of Benjamin Decker for the land in the Bill & Exhibits mentioned has made his report & filed the same in the clerk's office more than thirty days before the present term of the Court, and no exceptions being taken or filed to the same said report is now approved and confirmed, By the Court, It further appears to the Court, that John Heurl, owes a balance of purchase money, to persons holding his notes thereon, for the land amounting on the 6th day of Nov 1868, \$444.50 which the said Surzumer Bound him self to pay with the interest thereon then & since thereafter accrue, which the said Surzumer offers to pay but no one entitled to receive it being present to do so It seems to the Court that the plf is entitled to a conveyance of the land, reserving in the same a lien for the \$444.50 with interest from the 6th of November 1868

and also returning a Lien on the same for \$617.19 due the 1st of January 1872. Balance of purchase money the def ones on account of his purchase from John Hearn, It is now therefore adjudged decreed and ordered that John Hearn be and he is appointed a commissioner, here in he is ordered to survey and return to the def, returning the return aforesaid and acknowledge the same. Before the county court clerk of Lee county, and report the same to this court on its arrival, It is further adjudged and decreed that the expenses of the defendants his costs herein are assessed.

of Ringwood
"5, Decree
" 1002

B. D. Martin et al

Entered for 141
Jno. B. West. clk

Cur

Entered by decree
Jno. A. Kelly
Oct. 15. 1870

A. C. Ingemann, pl

vs

B. D. Martin et al. dfts

This cause came on to be heard on the 22d of March, answer of the defendants filed in the cause and answer of John Herrell and positions made and a great deal of evidence the court being sufficiently advised as to the facts and merits, it appears that the order of publication herein has been duly, posted & published as the Law requires which was completed more than two months before the present term of the court and that the defendants residing in this State have been duly served with a summons to answer the Bill more than two months before the present term of the court & the defendants Benjamin D. Martin Christian M. France Mary C. France Abraham R. Dickerson and Emily Dickerson have failed to appear & make defence to the plfs Bill the allegations of the same are taken as confessed against them. It is adjudged by the court that the plf has the right to have the Bill enforced to him named in the Bill & the Bill filed and exhibit, by deed of general warranty, reserving a lien in the deed on the same to secure, \$617/19 the plf owes John Herrell due by note the 1st of January 1872 as soon as the plf or some one for him shall pay to the defendants the unpaid balance of the purchase money for John Herrell and the defendants as is herein, which the plf in his Bill

order to pay. But because this court is
not advised how much purchase
money is due & should be paid in advance
the court should be made to ascertain
that facts this cause is referred to
Judge Johnson one of the judges
of this court, who is ordered to ascertain
& report to this court & file his report in
the clerk's office of this court at least 30
days before the next term of the court
How much purchase money on the contract
of purchase of John Merrill, is due to the
defendants, or either of them, for the land
and all other matters not herein designated
are reserved. This cause is to be tried

#2 August

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1870. Mary T. Fleet

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H. J. Heat, etc

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June 2.

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The deposition of William S. Martin & others taken pursuant to Notice at the clerk's office of the county Court of Lee County on the day of December 1869. which are intended to be read as evidence on behalf of A.R. Surgeson in a certain chancery suit now pending in the circuit court of Lee County in which said Surgeson is plaintiff and A.R. Dickinson & others are defendants,

and neither witnesses nor parties appearing on this day the further taking of depositions is adjourned until Monday the 13th day of Decr 1869 at the same place. This 11th day of Decr 1869.

Jas R Fells J. P.

Monday Decr 13 1869. Met pursuant to adjournment and the said William S. Martin being duly sworn deposes and Says That at one time I was appointed Guardian for Edwin Dickinson deceased, and my recollection is that at the time I was so appointed, said Dickinson wanted but a few months of being 21 years old. The heirs of Benjamin Dickinson deceased had sold to John Herald a tract of land known as the Graham tract lying on the north side of Wallens ridge, among whom said Edwin was one, and my impression is that I was appointed Guardian for said Edwin for the purpose of signing the Title bond for him to said Herald when in fact said Edwin and his co. heirs made the sale and I as his Guardian signed the title bond, some years after the said Edwin had attained the age of 21 years, he ratified and confirmed the sale made to said Herald during his infancy, by receiving a part of the pay therefor ^{which is} within witness own knowledge and further this witness saith not.

W. S. Martin

I James R Fells a justice of the peace for said county do certify that the foregoing Deposition of William S. Martin

was taken sworn to and subscribed by him in my presence
at the time and place and for the purposes mentioned
in the caption and proceedings Dec. 13th 1869
James H. Little J.P.

A. R. Surgenor

17. 3 Depo.

A. R. Dickinson & others

Recd of the Justice before
whom taken & filed the
13th of Decr 1869.

H. J. Morgan, D.C.

My dear Henry
I have just received
your letter of the 10th
and am glad to hear
that you are well.
I am writing to you
to let you know that
I am still in the
same old place.
I hope you will
write to me soon.
I am, my dear Henry,
very truly,
your friend,
Henry J. Morgan D.C.

Henry J. Morgan D.C.



Commissioners Office Jonesville Virginia Sept 1st 1870
Abraham R. Surgeson.

vs.

Benjamin D. Martin & others

Defendants

Pff, } In Chancery

To the Honorable John A. Kelly Judge of the Circuit Court of 'Seaboard'

This Suit was instituted by the plaintiff against the heirs and distributees of Benjamin Dickinson deceased to obtain a legal title to the lands in the bill mentioned said regisrally by said heirs and distributees to One John Herald to whom they executed a title bond, for the title thereof and which title bond was on the 6th day of November 1868 by the said John Herald assigned for value received, to the said A. R. Surgeson, and upon these facts and assignment this Suit is brought.

The said Benjamin Dickinson in his lifetime bought of the heirs of One James Graham the tract of land in the bill and proceedings mentioned and no doubt thought at the time that he had purchased the title thereof by proper deed from the proper parties, But after the death of said Dickinson and perhaps after the execution of said title bond it was ascertained upon examination that no deed or deeds had been made for said land, or if made and delivered, were not recorded and was in fact lost or destroyed, But the said lands having been paid for, the same was considered as having descended to the heirs of said Dickinson. The said Benjamin Dickinson died in the latter part of 1851 leaving 5 children his heirs at law To wit Mary E. who intermarried with Christian M. France Emil, Jr. who intermarried with one A. R. Dickinson, Plaintiff who intermarried with Ed. Martin, L. Nettie, who intermarried

the legal title thereto, and the said cases arose & proceeded with
as to result in the aforementioned by use of an inferior jurisdiction
of a commissioner who was invested with power to convey, & the
said heirs the legal title to said land and used in pursuance
thereof. Col A. L. Bridgman the said Com^r executed a deed
of conveyance therefor which has been recorded in the
clerk's office of this county, which will appear by reference
to said deed ^{or rather a copy thereof} herewith filed marked (-F)

The said Herald in pursuance of his contract continued to make
payments to the said heirs toward the purchase price of said land
untill about the 21st day of April 1858. where a settlement
was had between said Herald and the said heirs, which resulted
in finding the said Herald in arrear to the said heirs for the
sum of \$919.54 and by mutual consent of all parties, the said
Herald executed to each one of said heirs his note or bond for
the amounts due them respectively according to their rights

The statements made in the last foregoing paragraph are upon
the statements of the parties themselves made in my presence and
hearing, and in support of what I have there stated I find
in file in the clerk's office of the county court a note executed
by John Herald on the 21st day of April 1858 to Benjamin Martin
for \$275.86 which Herald and said Martin both say was given for
said Martins interest in the residue of the purchase money of said
land on the day of the execution of said note, If this is true
and I have no doubt upon that point, it then follows that if said
Martins owes me and a half amounts to that sum, The share
and a half due the said Edwin R. Dickinson would be the like
sum of \$275.86 and at that date there was due at the same

to C. M. France wife the sum of \$183.90⁷³ And to said A. R. Dickinson wife the like sum of \$183.90⁷³

Upon the note executed by said Herald as aforesaid to said B. D. Martin there was paid by said Herald on the 3rd day of February 1859 the sum of \$196.78 which is credited on the back of said note after this payment was made the said Martin transferred the said note to Elijah Hill by whom the same is kept in suit for the benefit of One Jacob Fisher And at the March Term of the county of 1861 judgment was obtained upon said note against ^{the said} Herald

The balance due upon this note principal interest and costs up to the 6th day of November 1865 amounts in the aggregate to \$152.06

The balance due the said Edwin R. Dickinson for said bond is acknowledged by his administrator to have been fully paid by said Herald within the last year so there is no charge against said bond on that score

The said Herald alleges that he has paid upon the notes due said France and A. R. Dickinson a considerable sum, but the exact amount is unknown it seems to him, and of course is unknown to your commission. The note due said France is I presume in his possession and when last heard from was living near Huntsville Alabama, and the note due A. R. Dickinson is supposed to be in his possession at Murrinstown Tennessee. Thus it is seen, that it is impossible for me to report with exact certainty the amounts yet due upon these two notes, And I can only approximate the sum yet due thereon upon the basis of a calculation made by the said Herald and the plaintiff A. R. Surgenor at the time the latter purchased of said Herald the land in his bill mentioned.

I file herewith as a part of this report marked (B) a Bond executed on the 6th day of November 1865 by A. R. Surgenor the plaintiff in this

cause to the said John Herald from which it will be seen, that they on that day computed and estimated that there was yet due from said Herald to said Heirs a balance for said land amounting in the aggregate to \$444.50 and by the terms of the said Bond the said Surgesner undertook and bound himself to pay that sum to the heirs of said Dickinson or their assignees, and in consideration of this undertaking the said Herald gave him a credit for that sum out of the purchase price of said land.

Now as we have before seen there is yet due upon the said Martin note the sum of \$152.06 on the 6th of Nov 1868 and that sum deducted from said \$444.50 leaves a balance of \$292.44 on that day as being due said France and A R Dickinson. A copy of the Jugh in favor of B D Martin for against said Herald is herewith filed as a part of this report marked (C)

Now in response to a Decree rendered in this cause on the 2nd day of June 1870. I have to report that on the 6th day of Nov 1868 there was due the heirs of Benjamin Dickinson deceased from John Herald the sum of \$444.50 as a balance of the purchase money for the land in the bill mentioned and this report is made upon the foregoing statements and remarks and exhibits being the best data accessible to me upon which to base a report.

I thought perhaps a list of historical statements of the transactions had with reference to the said land might in some way aid in making a final disposition of the cause, and with that view these extended remarks and observations were submitted.

And having now responded to the said Decree ask Hence to be discharged all which is respectfully Submitted.

Henry J. McGowan Comr.
Sept 2nd 1870

Abraham C. Sargent

25. } Correspondence Reports
}

B. D. Martin & others -
Filed Sept: 2nd 1870
Jno B. West, clk.

Correspondence Fee 7.50 (chd.)

Whereas the heirs of Benjamin Dickinson deceased, heretofore
filed a bill in chancery in the Circuit court of Lee County
for the purpose of setting up and proving a certain Deed of
conveyance of land alleged to have been made by Joseph
D Graham and (Graham his wife, to Benjamin
Dickinson in his lifetime; which deed the plaintiffs alleged
in their bill conveyed unto the said Benjamin Dickinson
son, all of the right, title, and interest of the said Joseph
D Graham & wife in, and unto several adjoining tracts of
land lying and being in Lee County on the North side of
Wellens Ridge, and South side of Fowells River, which
had descended to the fine heirs at law of James Graham
deceased, the said Joseph heirs are of the said heirs, and he
having then purchased the interest of two other of the said
heirs, namely William and Elisha W Welling and Jane his wife
formerly Jane Graham, so that the said Deed alleged to have
been made to the said Benjamin Dickinson, by the said Joseph
D Graham & wife, conveyed in fee simple the undivided three
fourths of the land descended to the said Joseph and preserved
as aforesaid, which Deed is also alleged to have been
regularly acknowledged by the said Joseph D Graham & wife
as adjudicated by a decree in said cause, and the said land
thus conveyed is proven to have been the same, whereas John
Herrall died on the 4th day of March 1870, and by a decree
rendered in said cause Arthur L Pridmore has been appointed
a special Commissioner in said cause for the purpose of
conveying by Deed to the plaintiffs in the said chancery cause
the fee simple to the undivided three fourths of the said land
as in the proceedings mentioned, wherefore in pursuance of
said decree, The said Arthur L Pridmore Commissioner as
aforesaid doth grant and convey with special warranty unto
the legal heirs of Benjamin Dickinson deceased, the undivided
three fourths of said tracts of land, conveyed as aforesaid by
Joseph D Graham & wife to Benjamin Dickinson deceased.

Witness the following signature and seal, this 1st day of May 1869.
Auburn J. Fildemore Esq.

Lee County Courts, Clerks Office, May 1st 1869.

The foregoing Indenture of bargain and sale for land between
Auburn J. Fildemore a special Commissioner of Circuit Court of
Lee County for the purpose named therein of the first part, and
the heirs of Benjamin Dickinson dec'd of the other part was this
day acknowledged before me by the said Fildemore. Commis-
sioner as aforesaid, and the said Deed being duly stamped
is admitted to record

Teste. John B West. D. Clerk

Copies Teste James W Orr. D. S. & P.

Benjamin Dickinson's heirs

John B West

A. J. Fildemore Court

(A)

the for copy 40 cts

Know all men by these presents, that I, Abram R. Sur-
giner, of the County of ~~Lee~~ ^{and} State of Virginia, am held ~~and~~
firmly bound unto John Harrell, ^{of the County and State aforesaid} in the penal sum of eight
hundred ~~and~~ eighty-nine dollars, current money of Virginia,
to be paid to the said Harrell, his Executors, administra-
tors or assigns; for which payment, well and truly to be
made as aforesaid, I bind my self, heirs, Executors and
administrators, and each of them, firmly by these present
Witness, the following signature and seal this, 6th, day
of November 1868.

The Condition of the above obligation is such that where
as there is still due the heirs of Benjamin Dickinson
deceased or their assignees the sum of \$444.50 or there-
abouts from the said Harrell as a part and balance of
the purchase money for a certain tract or parcel of land
~~conveyed~~ ^{sold} by said heirs to said Harrell and for which
land aforesaid the said Harrell held a title-bond, ^{and}
~~which title-bond~~ the said Harrell has this day bargain-
ed ~~and~~ sold, ^{unto said Surginer said land} and assigned unto ~~the said Benjamin Dickinson~~ ^{being the title-bond therefor} Surginer; Now,
therefore, if the said Surginer shall pay the balance of the
purchase money aforesaid (provided the same be not more
than \$444.50 ^{with interest thereon from this day} in which case the said Harrell is to pay the
overplus to said heirs or assignees, and if said balance be
less than \$444.50, then said Surginer is to pay the difference
between the balance actually due of said purchase money and
said \$444.50 to the said Harrell) to the said Harrell (or their assign-
ees) when they shall make unto him, the said Surginer a
good ~~and~~ sufficient conveyance in fee-simple, with the usu-
al covenants, of all that certain tract or parcel of land
aforesaid - then this obligation to be void, otherwise to remain
in full force and virtue.

A R Surginer, ^{Seal}

Sealed and delivered in presence of:-

Witness
D. Poliv

Lee County Court, Clerk's Office, the 8th day of May 1869.

The foregoing Bond from A. R. Surginer to John Harrel was deposited in this office by the said Harrel and, at his request, said Bond is admitted to record, there being duly stamped. Teste. J. B. West, N. Clerk



John Harrel

From 3rd Bond

A. R. Surginer

Recorded in Deed

Book No 15 p 692

J. B. West, N. C.

(B)

on Bill

Virginia.

At a Court of Quarter Sessions begun and held
for Lee County, at the Court House thereof, on Monday,
the 20th day of March 1870.

Benjamin D. Martin, for &c. Plaintiff
against
John Herrald Defendant } In Debt.

The defendant not appearing, it is considered by the
Court that the judgment obtained against him in the Clerk's
Office for \$275.86 - the debt in the Declaration mentioned
with legal interest thereon from the 22nd day of April 1858
till paid and the costs, be made final, subject to a
credit of \$190.78 paid the 3rd day of February 1859.

C 2. 57 A 2. 50 S 50 T 1. 00

A copy -

Teste. Jno B. West, Clk.

Benj^m D. Martin, for the
benefit of Elijah Still, who
sues for Jacob Fisher,
vs. $\frac{3}{4}$ Copy of Judgment
John Herrald.

(6)

Fee for Copy: 20 cts.


Know all men by these presents, That
We, Ben. D. Martin, A.R. Dickerson, E.D. Dickerson
all of the County of Lee State of Va., and C. M.
France of the County of Knox & State of Ky.
are held & firmly Bound unto J^{tho} Herold
in the penal sum of four thousand four
hundred dollars, for the true payment of
which we bind ourselves our heirs & C. firmly
by these presents. Witness our hands & seals
This 7th day of Aug. 1853

The condition of
the above obligation is such, That whereas,
the s^d Martin, A.R. Dickerson, E.D. Dickerson &
C. M. France, have this day bargained sold unto
the s^d J^{tho} Herold a certain tract or piece
of land, lying in the s^d County of Lee on the N.
side of Holston River, it being the same tract
or piece of land that Benja. Dickerson bro^t
off the heirs of James Graham; the quantity,
bearings & distances of which will fully appear
by reference to a deed or deeds now of record, in
the Clerk's office of Lee Co. from the s^d heirs
of James Graham Dec^d to the s^d Benja. Dick-
inson. Now if the s^d Martin, A.R. Dickerson,
E.D. Dickerson & C. M. France, shall make or
cause to be made unto the s^d Herold a good &
lawful right & title to s^d described tract or
piece of land, then this bond to be null & void,
Otherwise to remain in full force & virtue,
Given under our hands & seals the day & year above
written.

Ben. D. Martin Seal
A. R. Dickerson Seal
E. D. Dickerson Seal
C. M. France by
W. D. Martin agt
The s^d Herold is
to have possession of
March next or sooner
if convenient.

I, John Sterrell, for and in consideration of
the sum of \$3000 - to me paid, or secured to be
paid, do hereby assign ^{all my right, title, claim & interest in and} the within title - Bond to
the lands therein described, lying & being in the County of
Lee on the North side of Loalens ridge, it being the same
tract or parcel of land that Benjamin Dickinson
bought of the Heirs of James Abraham deceased, to
Abram R. Burgher of the County aforesaid and State

Virginia. Witness, my hand and seal this, 6th,
day of November 1868.

John Sterrell 

Witnesses:-

J. R. West

William ^{high} Davidson
mark

Virginia

At Rules held in the Clerk's office of the Circuit Court
of Lee County on Monday the 30th day of May 1869.

Abraham R. Suggins

Plff.

vs.

Benjamin D. Martin, A. R. Dickinson, Emily
C. Dickinson, Christian M. France Elizabeth
France Benjamin Childs, Ann Childs
Ralph Martin, Sue Martin, Elay Martin
and Celina Dickinson

Defts.

Defts.

The object of this Suit, is to obtain a legal title to the land
in the bill mentioned, and it appearing from evidence
filed in the cause, that said B. D. Martin A. R. Dickinson
Emily Dickinson, Christian M. France Elizabeth France
Benjamin Childs and Ann Childs are non residents of
this commonwealth, It is therefore ordered that they
appear here within one month after due publication of
this order, and do what is necessary to protect their
interest in this Suit *

A copy Teste.

Henry J. Morgan, D.C.

* + On the motion of the plaintiff Henry J. Morgan is appointed guardian ad litem for Ralph, Sue and Elay Martin and Benjamin and Ann Childs infant defendants in this cause to defend their interest herein and the cause is continued

I do certify that on Monday May 17th 1869. that being court day I posted at the door of the court house of Lee County a copy of the above order of Publication

H. J. Morgan, D.C.



Me Henry J. Morgan Guardian ad Litem for, Ralph Martin, Sue
Martin and Clay Martin, and Benjamin Childs and Ann
Childs, and Benjamin D. Martin A. R. Dickinson and Emily C.
his wife, to Mr France and Mary E. his wife, and Belinda Dickin-
son. You will each take notice that at the clerk's office of
Lee County Court, on Saturday the 11th day of Decr.
1869. I will take the deposition of William S. Martin and
Daniel S. Dickinson which are intended to be read as evidence
in my behalf in a certain Chancery suit now pending
in the circuit court of Lee County in which I am plaintiff
and you are defendants, and if from any cause
the taking of the same should not be completed on that
day the taking of the same will be adjourned from
time to time, and place to place till completed.

A. R. Burgess
Nov. 30 - 1869



The Commonwealth of Virginia,

Augusta

TO THE SHERIFF OF ~~LEE~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON: *Benjamin D. Martin, A.R. Dickinson,
Emily C. Dickinson, Christian M. France, (and) Mary C.
France, Benjamin Childs, Ann Childs, Ralph Martin,
Sue Martin, Lelay Martin, (and) Celvia Dickinson*

to appear before the Judge of our Circuit Court for Lee county, at the Court House, in
the Clerk's office, at Rules to be holden for the said Court, on the *first* Monday
in *June* next, to answer a Bill in Chancery exhibited in our said Court
against *them* by *Abraham R. Surgeon*

And have then there this writ. WITNESS, *Sylvester E. Thompson*
~~HENRY J. MORGAN~~, Clerk of our said
Court, at the Court House, this , *14th* day of *May* 1869, in
the *9^{3rd}* year of the Commonwealth.

Henry J. Morgan, Jr. Clerk.

(S)

A. R. Burgess

vs. 3 Spa. in Chy to Augusta

Benjamin D. Martin et al.

June Rules 1869.

Executed May 31st 1869
as to Clay & Sue Martin
by copies in person
of within Chan't Spa
the other within named
defts not found in my
Boily with

Wm Catcher

Sheriff Augusta co
Va

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING :

WE COMMAND YOU TO SUMMON *Benjamin D. Martin A R. Dickinson*
Emily C. Dickinson Christian M. France and Mary L. France
Benjamin Childs, Ann Childs, Ralph Martin Sue Martin
Clay Martin and Celina Dickinson

to appear before the Judge of our Circuit Court for Lee county, at the Court House,
in the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday
in *June* next, to answer *a bill in Chancery exhibited*
in our said court against them by Abraham R. Surgenor

And have then there this writ. WITNESS, *Salvester E. Thompson*
~~HENRY J. MORGAN~~, Clerk of our
said Court, at the Court House, this *14* day of *May* 1869, in the
93rd year of the Commonwealth.

Henry J. Morgan D. Clerk.

Executed on Ralph's request by delivering him
an attested office copy of the within writ but not
executed on the other defendants they being non res-
-idents of the commonwealth and inhabitants
of other counties in this State May 21st 1869
William M. Sage S. L. C.

(S)
Abraham R. Banger
vs. {
Spa in bankruptcy
Benjamin D. Martin et al.
June Rules 1869.

The Commonwealth of Virginia,

Lazewell
TO THE SHERIFF OF ~~LEE~~ COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Benjamin D. Martin, A. R. Dickinson
Emily C. Dickinson, Christian M. France, and Mary C.
France, Benjamin Childs, Ann Childs, Ralph Martin,
Sue Martin, Clay Martin and Celina Dickinson*

to appear before the Judge of our Circuit Court for Lee county, at the Court House,
in the Clerk's Office, at Rules to be holden for the said Court, on the *first* Monday
in *June* next, to answer a *Bill in Chancery* exhibited
in our said Court against them by Abraham R. Surge

And have then there this writ. WITNESS, *Sylvester E. Thompson*
~~HENRY J. MORGAN~~ Clerk of our
said Court, at the Court House, this *14th* day of *May* 1869, in the
9th year of the Commonwealth.

Henry J. Morgan Clerk.

A. R. Burges
 vs. { Spa. in lch to Lazewell
Benjamin D. Martin et als.
June Rules 1869.

Exc Dore Mrs
 Celina Weckman
 By the lever my hand
 a Copy of the
 with in May 19/69
 John C Hopkewell
 R & for W L. C.
S. J. C.

VIRGINIA:

WASHINGTON COUNTY, TO WIT:

I do hereby certify that the annexed Notice has been published
four weeks successively, ending *June 11th*, 1869,
in the "ABINGDON VIRGINIAN," a newspaper published in the
town of Abingdon, Va. Given under my hand this *9th*
day of *July*, 1869,

Geo. R. Barr,
Jr. Ed. "Virginian,"

VIRGINIA:—At Rules held in the Clerk's office of the Circuit Court of Lee county, on Monday, the 3d day of May, 1869.

Abraham R. Surgerner,

Pff.

AGAINST

Benjamin D. Martin, A. R. Dickinson, Emily C. Dickinson, Christian M. France, Elizabeth France, Benjamin Childs, Ann Childs, Ralph Martin, Sue Martin, Clay Martin, and Celina Dickinson,

Defts.

IN CHANCERY.

The object of this suit is to obtain a legal title to the land in the bill mentioned. And it appearing from evidence filed in the cause that B. D. Martin, A. R. Dickinson, Emily Dickinson, Christian M. France, Elizabeth France, Benjamin Childs and Ann Childs are non-residents of this commonwealth, it is, therefore, ordered that they appear here within one month after due publication of this order, and do what is necessary to protect their interest in this suit.

A Copy.—Teste,

HENRY J. MORGAN, D. C.

May 21, 1869—4w.